



Office of the Attorney General

State of Texas

July 31, 1992

DAN MORALES
ATTORNEY GENERAL

Ms. Amy Nickell Jacobs
Haynes and Boone, L. L. P.
1300 Burnett Plaza
Fort Worth, Texas 76102-4706

OR92-433

Dear Ms. Jacobs:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 16582.

The City of Coppell (the "city"), which you represent, has received a request for copies of certain press releases previously issued by the city. Specifically, the requestor seeks "[a]ll City of Coppell press releases, in the calendar year 1991, which make reference whatsoever to civil service, to the 'investigation' at the Coppell fire Department, and/or the discipline of Firefighters Mark Dobecka, Paul Burns, Barney Barnett, Scott Baird, Mike Dowis, and John Foster . . . [to include] the release quoted in the August 9, 1991, Citizens' Advocate." You claim that the requested information is excepted from required public disclosure by section 3(a)(3) of the Open Records Act.

Previous open records decisions issued by this office resolve your request. Section 3(a)(3) applies only when litigation in a specific matter is pending or reasonably anticipated and only to information clearly relevant to that litigation. Open Records Decision No. 551 (1990). However, voluntary release of information to any member of the public makes section 3(a)(3) inapplicable to information so released. Open Records Decision No. 518 (1989). *See also* Open Records Decision Nos. 349 ; 320 (1982) (information previously released to parties to litigation may not be withheld under section 3(a)(3)). Moreover, under section 14(a) of the Open Records Act, once a voluntary disclosure has occurred, the disclosed information must be available to any person. *See* Open Records Decision Nos. 400 (1983) at 2, 162 (1977). Press releases, by their nature, are made available to the public. Assuming that the press releases at issue here have in fact been issued to the press,

they may not be excepted from required public disclosure under section 3(a)(3) and must be released immediately.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-433.

Yours very truly,



Kay Guajardo
Assistant Attorney General
Opinion Committee

KHG/GCK/lmm

Ref: ID# 16582
ID# 16723
ID# 16704
ID# 16832

cc: Mr. Arthur H. Kwast
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